

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

CORRADO RODOLFO LUTZ

PLAINTIFF

v.

CAUSE NO. 1:18cv25-LG-RHW

DEPT V.A. SECRETARY, et al.

DEFENDANTS

ORDER OF DISMISSAL

THIS MATTER IS BEFORE THE COURT pursuant to the [2] Order to Show Cause entered by United States Magistrate Judge Robert H. Walker in this lawsuit alleging violation of civil rights. Judge Walker directed the plaintiff Corrado Rodolfo Lutz to show cause on or before May 18, 2018, why this lawsuit should not be dismissed for failure to timely serve process. Lutz did not file a response to the Order to Show Cause.

Fed. R. Civ. P. 4(m) provides, “If a defendant is not served within 90 days after the complaint is filed, the court — on motion or on its own after notice to the plaintiff — must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” This lawsuit was filed on January 23, 2018. Lutz has not demonstrated that he served any of the defendants with process, and he has not taken any action to prosecute his lawsuit since he filed his Complaint. Therefore, Lutz’s claims are dismissed without prejudice for failure to timely serve process.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the plaintiff
Corrado Rodolfo Lutz's lawsuit is hereby **DISMISSED WITHOUT PREJUDICE**
for failure to timely serve process.

SO ORDERED AND ADJUDGED this the 23rd day of May, 2018.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.
United States District Judge